

Rule 62-I. Supersedeas Bond

(a) IN GENERAL.

(1) *Court Approval.* An appellant who is entitled to a stay on appeal may present a supersedeas bond or undertaking to the court for its approval.

(2) *Requirements.* The bond or undertaking must:

(A) have a surety or sureties if the court so requires; and

(B) be conditioned to satisfy the judgment in full, together with costs, interest, and damages for delay, if for any reason the appeal is dismissed or if the judgment is affirmed, and to satisfy in full any modification of the judgment and the costs, interest, and damages awarded by the appellate court, if any.

(3) *Value of Bond or Undertaking.* When the judgment is for the recovery of money not otherwise secured, the amount of the bond or undertaking will be fixed at such sum as will cover the whole amount of the judgment remaining unsatisfied, costs on the appeal, interest, and damages for delay, unless the court, after notice and hearing and for good cause, fixes a different amount or orders security other than the bond.

(4) *Supplementing a Bond or Undertaking.* When the appellant has already filed in the trial court security, which was intended to include adequate security in the event of an appeal, a separate supersedeas bond need not be given, except for the difference in amount, if any, unless the court orders otherwise.

(b) **EVIDENCE OF FINANCIAL ABILITY.** Before the court approves any bond or undertaking, the party offering the bond or undertaking must furnish to the court any evidence establishing the financial ability of the surety or sureties to discharge the financial obligations of the bond as might be required by the court.

COMMENT TO 2018 AMENDMENTS

This rule includes some provisions previously found in Rule 62. Consistent with the civil rules, the provisions were moved to Rule 62-I and expanded.